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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,068	11/15/2001	Amin Halim	38146	7619
29569	7590	10/02/2003	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			JACKSON, BLANE J	
		ART UNIT		PAPER NUMBER
		2685		4

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/683,068	HALIM ET AL.
	Examiner Blane J Jackson	Art Unit 2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because the content of the specification has a number of minor improper format problems including spacing, capital words, italics and unnecessary notes such as "Additional Embodiment" at paragraph 59 or "[Insert title of invention]" at the title to the Specification.

Appropriate correction is required.

### ***Claim Objections***

2. Due to two dependent claims similarly numbered 10, the following claim 10 is renumbered 11 and the following claims in the application have been renumbered accordingly.

Several claims contain misspelled words such as claim 9 which reads "means is cacalendar ftware". Correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker (U.S. Patent 6,487,602) with a view to Laporta et al. (U.S. Patent 5,974,300).

As to claims 1, 3, 5, 6 and 8-13, 17, 18, 20 and 21, Thakker teaches a messaging system with connection to an Internet Website including:

- a wireless communication device (mobile telephone, figure 3, (20)),
- means for originating an electronic message (application program associated with a Website (column 5, lines 6-25) including a destination address associated with the wireless communication device, a schedule at which to send the electronic message associated with the originating means (services by the AP, column 6, lines 26-42) and an electronic message (SMS, column 3, line 63 to column 4, line 61),
- software program with a database with records of interval to send messages, destination address and SMS information (application program AP (205) in server (210) of figure 3 and column 4, lines 7-61),
- means for performing the steps of comparing the schedule with a schedule on record, creating an electronic message if the schedule match the schedule record and forwarding the electronic message to the wireless communication device via a selected communication connection (figure 3, column 6, lines 26-42).

Thakker teaches where the application program (AP) with an associated Website server is capable of wireless user services, retrieve requested information and follow *scheduled* update information at regular time intervals (column 6, lines 26-42) but is not

specific as to following a *time and date record* or calendar software to create an electronic message.

Laporta teaches a two way wireless cellular electronic SMS based message system that additionally utilizes a messaging user agent server that provides value services in coordination with a SMS based messaging center (302) for the cellular user (figures 1, 14, 15a, 15b, column 19, lines 27-60). Laporta also teaches the user agent (figure 11, (11)) includes user agent programs and can be programmed to perform specific tasks as desired by the subscriber such as maintaining a personal calendar, an associated database with user information and retrieving specific information from a Web site (column 7, lines 18-57). Laporta further teaches the messaging system can be used as a calendar reminder service where reminders and alarms are generated at any time of scheduled appointments that can be entered into the calendar as part of the user agent (program based server) (column 16, lines 34-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to realize in the application program of Thakker the extended services provided by the user agent client server of Laporta to provide time/ date stamped server based wireless services to the communication user.

As to claims 2 and 14, the wireless communication device comprises a digital mobile telephone (figure 2, (20), column 3, line 63 to column 4, line 16).

As to claims 4 and 16, the originating means comprises a mail server on the Internet (origination: column 6, lines 32-42 and the AP is a Web site (mail) server: column 5, line 49 to column 6, line 32).

As to claims 7 and 19, the communication connection is a direct connection from the messaging system to a message (mobile SMS) operator for transmission to the wireless (mobile telephone) communication device (column 5, lines 6-25).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Alanara et al. (U.S. Patent 5,878,351) discloses a method and apparatus for providing delayed transmission of SMS delivery acknowledgment, manual acknowledgement and SMS messages. Turcotte et al. (U.S. Patent 5678,179) discloses a message transmission system and method for a radio communication system. Holmes et al. (U.S. Patent 6,134,432) discloses a system and process for allowing wireless messaging. Nelson (U.S. Patent 6,061,718) discloses an electronic mail delivery system in wired or wireless communications system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

BJJ



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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